IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 211 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMBEDKAR CO-OPERATIVE HOUSING SOC LTD

Versus

ABDULSATAR NURMAMAD

Appearance:

MR TUSHAR MEHTA for Petitioner

MR RM PARMAR for Petitioner

MR BP MUNSHI for Respondent No. 1

GOVERNMENT PLEADER for Respondent No. 2-6

MS NIRALI B MUNSHI for Respondent No. 7

MR JITENDRA MALKAN for Respondent No. 8

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 24/12/2002

ORAL JUDGEMENT

1. This is a revision application under section 115 of CPC, which will now be governed and covered by the amendment thereto introduced by the CPC (amendment) Act, 1999. The applicant in the present revision was a third

party in a suit filed by opponent no.1 against various defendants who are opponent nos.2-8 in the present revision. The present applicant as a third party filed an application Exh.19 in the pending suit viz. Regular Civil Suit No.22/98, pending in the court of Civil Judge (Senior Division), Khambhaliya for being impleaded as a party defendant under the provisions of Order 1, Rule 10, CPC. The trial court after hearing the parties and appreciating their respective contentions, rejected the said application. It is this order which is the subject matter of the present revision.

2. It is both plain and obvious that the present revision application does not satisfy the test of the amended proviso to section 115 CPC, after the amendment introduced by the aforesaid Act. Even if the trial court had granted the present applicant's application or being joined as a party defendant to the suit, the said order would not have disposed of the suit.

3. Consequently the present revision is not maintainable and is therefore dismissed. Rule is discharged with no order as to costs. Interim relief stands vacated.

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